

## Tips for Writing Effective Public Comments

- [Understand the regulatory framework.](#) The applicable laws will be listed in the public notice.
- **Do your research.** Obtain all relevant documents and information regarding proposed project and impacts.
- **Follow procedures** in the public notice for submitting comments.
- **Identify the top 1-3 concerns** you have that the agency has authority to address.
- **Keep sentences short**, use the active voice, and avoid dense blocks of text.
- Phrase comments as objective, **fact-based statements**.
- **Cite your sources** using footnotes, endnotes, or hyperlinks.
- Conclude sections by **stating what you want the agency to do**.
- Conclude the comment with 2-3 sentences that **summarize your comment** and what you want the agency to do.
- **Express gratitude** for the opportunity to comment and convey a respectful and professional message.
- **Ask for confirmation** that the comment was received.

## Understanding Regulations for Public Comments

To make the most effective comment, you should make sure that your argument is something that the agency can address, or within its “**regulatory framework.**” There are certain requirements imbedded within the law that applicants must meet to receive a permit, so part of your job as a commenter is to ensure that those requirements are being met. The other part is to bring forward new information and data that the agency may otherwise not have access to or knowledge of. Below you will find examples of the regulatory framework for selected permits.

### Isolated Wetland Permits

Isolated wetland permits authorize impacts to **state regulated wetlands** and are **governed by Indiana’s State Regulated Wetlands Law** (IC 13-18-22).

Indiana’s Wetlands Law requires applicants to demonstrate that:

- Wetland activity is without reasonable alternative, AND

- Reasonably necessary or appropriate to achieve a legitimate use proposed by the applicant on the property on which the wetland is located.

## **Section 401 Water Quality Certificates**

Section 401 Water Quality Certificates authorize impacts to **federally regulated wetlands and waters**. Section 401 certificates are a required component of Section 404 Dredge & Fill Permits, **both governed under the Clean Water Act**.

The basic premise of 401 and 404 permitting is that “dredged or fill material cannot be discharged into water if the nation’s waters would be significantly degraded or if a feasible alternative exists that is less damaging to the aquatic environment.” Therefore, comments should be tailored in a way that provides new information or proof that:

- The impacted waterway will be significantly degraded, OR
- A feasible alternative exists that is less damaging to the aquatic environment.

In both cases, **analyzing alternatives to a project and/or demonstrating that water quality will not be adversely affected** are **core overarching themes of the regulatory framework**. Comments should then ideally address the following issues:

- **Is there a more reasonable alternative to impacting wetlands?**
- **Will the proposal adversely impact water quality?**

## **Resources**

[Example comments](#)

[The HEC Citizen Guide to Watchdogging Water and Wetland Permits](#)

[Section 401 Water Quality Certification](#)

[State Regulated Wetlands Program](#)

[Indiana State Regulated Wetlands Law \(IC 13-18-22\)](#)

[The Clean Water Act Owner’s Manual](#)

[Overview of Clean Water Act Section 401 Certification](#)

[Indiana Waterways Website](#)

[Waterways Permitting Handbook](#)

[IDEM NPDES Program Overview](#)

[IDEM Permitting 101](#)

[Citizen's Guide to IDEM](#)

[IDEM State Regulated Wetlands FAQs](#)

[Floodplain Management in Indiana: Quick Guide](#)

[CWA Jurisdiction Following Rapanos v US and Carabell v US 12-02-08](#)

[Corps of Engineers Wetlands Delineation Manual](#)

[Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region](#)

[Corps' Regulations Related to 404 Permitting](#)

[Corps' District-Specific processes for obtaining a 404 permit](#)

[Environmental Law Institute: Step-by-Step Tips for Writing Effective Public Comments](#)

[Scientist Advocacy Toolkit](#)

[Google Earth Imagery](#)

[US Geologic Survey Topo Maps](#)

[US National Resources Conservation Service \(NRCS\) Web Soil Survey](#)

[US Fish and Wildlife \(USFW\) National Wetland Inventory](#)

[Indiana HUC Finder](#)

**Permit notices:**

[Indiana Dept of Environmental Management \(IDEM\) public notices](#)

[Indiana Dept of Natural Resources \(IDNR\) public notices](#)

[Map of US Army Corps Districts in Indiana](#)

[US Army Corps Louisville District](#)

[US Army Corps Detroit District](#)

[US Army Corps Chicago District](#)